

East Longmeadow Planning Board
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since 1894

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Ralph Page vice chair
Tyde Richards, clerk

Alessandro Meccia
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May 20, 2014

Present were: Chair, Michael Carabetta; Vice Chair, Alessandro Meccia; George Kingston and Ralph Page. Tyde Richards was not present.

Public Hearing Special Permit Section 6 – Richard Zucco, 16 – 18 Euclid Avenue

Chair, Michael Carabetta opened the public hearing for Richard Zucco, 16 -18 Euclid Avenue. Acting Clerk, Alessandro Meccia read the legal notice into the record.

Present were Richard Zucco, 16 Euclid Avenue and builder, Sabas Sanchoski.

Mr. Carabetta said that they are looking to add a 15' x 24' addition onto the left side of the house and the front set back should be 25 feet and it is at 14 feet and that the addition will increase the size of the non-conformity. He addressed the Board for any questions.

Mr. Page said that the plan shows a pool and asked Mr. Zucco if there is an existing pool.

Richard Zucco said yes there is.

Mr. Page asked Mr. Zucco when the pool was installed. Mr. Zucco said about 3 or 4 years ago. Mr. Page said the reason why he is asking is because there were two plans that were brought in, the first doesn't show a pool and the next one does and they are only dated 12 days apart.

Mr. Zucco said that his credit union thought he needed a plot plan and thought that was what the Board wanted. He said in talking with Ms. Macdonald she said that the Board needed a plan to scale and he called Smith Associates for that. Mr. Carabetta said the plan that they are going to put on record is the one showing addition, showing the deficiencies and the pool.

Mr. Page asked what the D off the back shown on the plan is. Mr. Zucco said that is an existing deck. Mr. Page said the reason for him asking was when you pull it up on google earth you don't see any of it and he was wondering if it is accurate and existing. Mr. Zucco said yes it is.

Mr. Carabetta addressed the audience for any questions. There being none and upon motion duly made by Ralph Page and seconded by Alessandro Meccia, the Board voted unanimously (4-0) to close the public hearing. Upon motion duly made by Alessandro Meccia and seconded by Ralph Page, the Board voted unanimously (4-0) to approve the Special Permit Section 6 to add living space measuring 24' x 15' at property located at 16 -18 Euclid Avenue.

Request for Waiver of Site Plan Review & Signage – Cupcake Café, 34 Center Square

Acting Clerk, Alessandro Meccia read a request for a Waiver of Site Plan Review from Catherine Russo to operate a retail store in an existing location at 34 Center Square for the sale of cupcakes that are made at another location. The proposed hours of operation are Monday through Sunday from 11:00 a.m. to 8:00 p.m. and there will be 1 employee.

Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted (4-0) to approve the Request for Waiver of Site Plan Review for Catherine Russo, Cupcake Café, 34 Center Square.

After review of the proposed signage and upon motion duly made by Alessandro Meccia and seconded by Ralph Page, the Board voted unanimously (4-0) to approve one building sign measuring 9' x 3' for a total of 27 square feet in total and a directory sign measuring 11" x 26" and being a non-illuminated, for Cupcake Café, 34 Center Square conditioned upon the applicant obtaining sign permits from the Building Inspector.

Request for Waiver of Site Plan Review – Magical Go-Go, LLC – 6 Peachtree Road

Acting Clerk, Alessandro Meccia read a Request for Waiver of Site Plan Review from Sarah and Roger Cameron, Magical Go-Go, LLC, 6 Peachtree Road to operate a home office for their graphic design in their home. Mr. and Mrs. Cameron will be the only employees as they both reside at the location and there will be no commercial vehicles on site, no storage of materials or equipment and all services are done on line.

Upon motion duly made by Alessandro Meccia and seconded by Ralph Page, the Board voted unanimously (4-0) to approve the Request of Waiver of Site Plan Review for Sarah and Roger Cameron, Magical Go-Go, LLC, 6 Peachtree Road conditioned on no retail operation at the location, no employees other than the owner, no signage and no clients going to the site. The office is not to occupy any more than 20% of the total floor area of the dwelling, including the basement area.

Request for Signage – Field Eddy Insurance & Financial, 94-96-98 Shaker Road

Acting Clerk, Alessandro Meccia read a Request for Signage from Field Eddy Insurance & Financial Inc., 94-96-98 Shaker Road.

After review of the proposed signage for and upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted unanimously (4-0) to approve the proposed building sign for Field Eddy Insurance & Financial Services measuring 36" x 120" for a total of 30 square feet.

Public Hearing Amendment to Special Permit – Bentley's Bistro, 53 North Main Street

Chair, Michael Carabetta opened the public hearing for Bentley's Bistro, 53 North Main Street. Acting Clerk, Alessandro Meccia read the legal notice into the record.

Mr. Carabetta explained to the applicants that they are one member short and asked if they were comfortable with four members or would they like to wait for the fifth member.

Brian Ryan, Manager, 690 Parker Street said he thinks they are fine with just four members. Mr. Carabetta said being short one member means and if anyone of them decides against it they will not be granted their request.

Vincent Santaniello, Owner, 963 Williams Street, Longmeadow said that if they have to wait another two weeks to go in front of them and they would have to push the Board of Selectmen back to July.

Mr. Ryan said that they are meeting on the 10th. Ms. Macdonald said that they could go before the Board of Selectmen.

Mr. Carabetta asked if they would like to have the three comedians on Sunday nights.

Mr. Ryan said that they would like to do it one Sunday a month and said it will be a dinner show/comedy with three comedians performing.

Mr. Santaniello said that they sell tickets for 90 people, \$10.00 admission fee and there is no other entertainment other than the comedians and they usually perform from 8:00 p.m. to 9:00 p.m. He said that they usually have them on a Sunday when the following Monday is a holiday and they are looking to do it probably about twelve times a year. Mr. Santanello said the only reason they put other days is because the comedians are coming out of Boston and not always available on Sunday. He said that they have had no problems doing on it Sundays and have sold out. Mr. Santaniello said that was his mistake because he was under the assumption that they were approved for three performers. He said that there are multiple restaurants in the area doing it such as Figaro's, Theresa's, Salvatore's and it has been a huge success. Mr. Santaniello said they chose Sunday nights because it is a slow day and all they offer is Sunday brunch so they thought they would try and increase their revenue. He said that there is no noise generated and there is only a PA system for comedians that are usually done around 9:00 p.m. – 9:15 p.m.

Mr. Carabetta addressed the Board for any questions, there being none, addressed the audience for any questions. There being none and upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted unanimously (4-0) to close the public hearing. Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (4-0) to approve the amended Special Permit for Bentley's Bistro, 53 North Main Street to allow 3 comedians to perform at dinner.

Request for Waiver of Site Plan – KB2 Nutraceuticals, LLC, 12 Sutton Place

Acting Clerk, Alessandro Meccia read a Request for a Waiver of Site Plan Review from Brian Daniel Fritz, 12 Sutton Place to operate an office for his on-line nutritional supplement business. Mr. Fritz will be the only employee, no product will be stored on site and there will be no commercial vehicles on site.

Kevin McGill, Owner said that his partner wrote Cannlife as the business name which is not correct and said that the name should be KB2 Nutraceuticals, LLC

Upon motion duly made by George Kingston and seconded Alessandro Meccia, the Board voted unanimously (4-0) to approve the Request of Waiver of Site Plan Review for Brian Fritz, KB2 Nutraceuticals, 12 Sutton Place conditioned on no retail operation at the location, no employees other than the owner, no signage and no clients going to the site. The office is not to occupy any more than 20% of the total floor area of the dwelling, including the basement area.

Request for Waiver of Site Plan Review – The Mobile Nail Diva, 212 Mapleshade Avenue

Acting Clerk, Alessandro Meccia read a Request for Waiver of Site Plan Review from Kathleen Montero, The Mobile Nail Diva, to operate an office for her manicuring business at 212 Mapleshade Avenue. Ms. Montero will be the only employee and this site is for office work only. There will be no commercial vehicles on site, there will be no product stored on site and no commercial vehicles on site.

Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (4-0) to approve the Request of Waiver of Site Plan Review for Kathleen Montero, The Mobile Nail Diva 212 Mapleshade Avenue conditioned on no retail operation at the location, no employees other than the owner, no signage and no clients going to the site. The office is not to occupy any more than 20% of the total floor area of the dwelling, including the basement area.

Bill Dougherty, Burd Manufacturing re: berm at Burd Manufacturing property line & The Fields at Chestnut

Ms. Macdonald said that Mr. Meccia went over and looked at the berm at the property on Industrial Drive.

Bill Dougherty said that he called Ms. Macdonald and told her about the very large berm that has been built at the rear of his property and the rear of the new storage facility and by large he means 8 to 10 feet tall. He said that he asked Ms. Macdonald if the Building Inspector could take a look at it and wondered if it is part of the plans and specs. Mr. Dougherty said any other berms around town or even on their property are much lower than that. He said that his concern is that he doesn't know the future use of the backyard of his property but to have a 8 or 10 foot berm seems pretty dramatic.

Mr. Carabetta said that he is assuming it is for privacy.

Mr. Dougherty said that he can understand why the tenants of their facility would want it and he has birch trees growing back there and his facility is a long way away from theirs. He asked what the Building Inspector found.

Ms. Macdonald said that he never went there but one of the members of the Board took a ride there.

Mr. Dougherty said the one of the members did take a walk back there with him. Ms. Macdonald said yes that was Tyde Richards. Mr. Dougherty said that Mr. Richards did say that it does seem pretty dramatic.

Mr. Meccia said that the side towards Burd Manufacturing doesn't seem to be graded and the other side seemed to be graded. He said that he took a ride to the other side of the property and said that it looks a little bit bigger because maybe it doesn't have any grass on it. Mr. Dougherty said that his question is was the berm approved and the size of it approved which is why he called. He said that he is not necessarily complaining but is it according to plans and specs and as an abutter he attended the meeting and was wondering if they are following what was agreed on. Mr. Meccia said the only thing he didn't check was the height elevations. Mr. Dougherty said that was the whole purpose of the call. Ms. Macdonald said no there wasn't any shown on the plan.

Mr. Carabetta asked Mr. Dougherty that he is assuming that none of it is on his property that it is all their property. Mr. Dougherty said yes but the berm is going across his property and asked if it is on his property and said that it is very close to his property. Mr. Carabetta asked Mr. Dougherty if there are any drainage issues that is going to cause him problems. Mr. Dougherty said that he doesn't know and would say probably not. Mr. Dougherty said the purpose of his call was to ask the Building Inspector, assuming that is what he does, is he following plans and specs. Mr. Carabetta said that he doesn't think there is anything in the by-law as far as mounting dirt up for privacy and it doesn't fall under the purview of the Planning Board but he knows there have been complaints about that in the past and he hates to say there are no by-laws that address that.

Mr. Page said that he doesn't believe he was on the Board then and asked if there is a contour elevation chart for the Fields. Ms. Macdonald said that the plan doesn't show a berm and said that Rick Granger is the go to person for the Fields. Mr. Page said so when it was submitted there was no berm purposed. Ms. Macdonald said no.

Mr. Carabetta said as a Planning Board they are looking at the roads, the building envelopes, the structures. Mr. Page said under a site development they are looking at anything that deals with water drainage berming up an area and possibly detouring the water to a different location. He said that he was curious if it was something that was added afterwards.

Rick Granger said as it evolved from discussions at a meeting that Mr. Roulier attended with the Planning Board when they approved the storage area in the back that there were neighbors from the Fields who voiced concern. He said in conversations with the folks doing the development they talked about doing a berm on their side. Mr. Granger said part of what makes it look more drastic from the other side is that their grade got cut down for their site development but they haven't graded the back side of it and as they do their work it will grade that off. He said from their side it's comparable size to the berm they have along Chestnut Street. From the back of the storage area it will be taller but he thinks in the back of their site there is a detention with a lot of greenery. Mr. Granger said that it doesn't impact any of the sheet flow drainage so they are not changing any direction of that.

Mr. Burd said they have removed a tremendous amount of dirt from their side of their berm and said that it is low back there. He said to say that the drainage wouldn't be influenced is an over statement.

Mr. Carabetta said in all fairness to both of them it would be worth it to do a site visit and have the plans present.

Mr. Kingston said that he hasn't seen plans with the berm and he doesn't know if there are any plans. Ms. Macdonald said no there are none. Mr. Kingston said secondly it is his understanding that the Building Inspector does not concern himself with berms or paving that he concerns himself with structures and the berm is not considered a structure so if it is not under his jurisdiction. He said that it may fall under stormwater management depending on whether or not it changes the storm water flow and he thinks that is Mr. Dougherty's concern.

Mr. Dougherty said his concern is that the storage facility and Mr. Roulier made an agreement without really discussing it with a fellow abutter. He said that they are putting a berm that they agreed to behind his property. Mr. Granger said that they really haven't gone much beyond his property. Mr. Dougherty said but they know they are behind it in some way and he is not saying it is the full length of it and a little courtesy would have been nice to say that they are putting a berm up behind his property. He said that they made an agreement that certainly affects his property and it is going behind his property and it is 20 to 30 feet easily and they are putting a large barrier behind his property and they took upon themselves to do it without even letting them know that they would be putting a 10 foot wall behind his place. Mr. Granger said that he isn't sure that was avenue for that discussion.

Mr. Carabetta said in fairness to the Fields it is their property. Mr. Dougherty said right but the question he called and asked Ms. Macdonald was when the Site Plan was submitted to the Board he doesn't believe an 8 to 10 foot berm was on the plan.

Mr. Page said that he thinks when the storage facility came in they were under the understanding that a berm was being installed and they said that would actually help as far as cut down their light going into theirs. He said that was what they were concerned with and he doesn't think they entered into an agreement for Roulier to put in a berm. Mr. Page said that he thinks they assumed that he was already doing it. Mr. Dougherty said correct him if he is wrong the Board's agreement with them is that they were constructing berm and they were planting at their expense.

Mr. Dougherty said that he finds it unusual that in town an 8 to 10 foot berm can be put up that no one seems to be in charge other than stormwater runoff. He said that it certainly influences the landscape, the appearance and as an abutter it effects potentially what he would be able to do with his property in the future. Mr. Granger said that he doesn't understand how it affects him because it is not on his property. Mr. Dougherty said how can he say the construction of a 10 foot dike doesn't affect him.

Mr. Carabetta said that he would like to take a visit and take the plans and walk it. After further discussion the Board agreed to do a site visit on Wednesday morning May 28th at 9:00 a.m. and meet at Burd Manufacturing.

Wisteria Lane storm water discussion

Present were Mr. & Mrs. Dominic Montessi, 307 Somers Road.

Ms. Macdonald said that she did speak with Mr. Joyce that day and he wasn't able to attend the meeting but he agreed to do what Mr. Peirent has suggested that he do. Mr. Meccia read Mr. Peirent's e-mail dated May 2, 2014 into the record with regard to his suggestions.

Mr. Carabetta asked Mr. & Mrs. Montessi if they understood what was read. Ms. Montessi said yes that they are going to fill the ditch with stone and cover it over with grass, correct. Mr. Carabetta said that the stone is going to be left to create a drainage solution. Mr. Meccia said behind the stone there will be a berm installed. Mr. Carabetta said hopefully it will resolve what has been happening to them and asked Mr. & Mrs. Montessi if they were comfortable with that.

Ms. Montessi said she thinks so. Mr. Montessi said no he wasn't. Mr. Montessi said because the water going down from the ditch is going underneath hitting the rock on top coming down further. He said even though he dug the ditch the ditch kept the water surface from going onto the property. Mr. Montessi said now with the ditch there the water is down lower going to the property. He said that his truck with a plow on it was sitting in his driveway and his truck was actually sinking in his driveway and his concern is if he is sinking in his driveway he is hitting his jet pump. Mr. Montessi said if you look down the road at the transmission place he still has a puddle of water.

Mr. Carabetta said there has been a lot of rain and currently the site is under construction and asked Mr. Montessi if he was willing to try and give it a chance. Mr. Montessi said that they are going to give it a chance. Mr. Carabetta said that they are not water engineers and they are trying to relay on the people trying who are qualified. Mr. Montessi said neither is he and he still feels there is going to be a problem there. He said that he is trying to do something and he is happy with that. Mr. Carabetta said that they will try to work through and hopefully it will remedy the problem.

Pizza Shoppe discussion

Mr. Carabetta said he spoke with Ms. Thorpe and according to her she was taking the lead on it and she was supposed to get back to him and he has not heard back from her. He said that he spoke with Paul Morrisette, Fire Chief and he has signed off on it and he spoke with Electrical Inspector and he signed off on it and said that he knows there are still some outstanding issues. Ms. Macdonald said that she basically needs the Board to advise and said that Mr. Page saw the interior. She said that Mr. Giuggio did supply her with a copy of the interior plan because they still haven't received one from the Building Inspector .

Ms. Macdonald said personally she doesn't she doesn't know if the plan is the same one that Mr. Hellyer approved or not because she hasn't spoken with him but she believes Mr. Page knows and he can tell you that the plan they have doesn't reflect what is in the business now. She said that it does fall under the Planning Board purview with regard to seating. Mr. Carabetta said correct and there is no record of seating other than from the 1970's and he thinks there should have been a seat count to begin with which he is assuming was not done to reflect upon what they have currently and they have no past plans to go by. Ms. Macdonald said unless Mr. Giuggio can give it to them and tell the Board exactly what he did. Mr. Carabetta said when he spoke with Ms. Thorpe last week she was

going to speak with the Building Inspector and he hasn't spoken with her since. Her said that maybe he should call her to see if they need anything else from the Board and if it has been resolved.

Mr. Page said that he thinks as far as the Planning Board issue is that they are looking at is what the actual number of seats are and if the number of seats count is actually correct. Mr. Kingston said that he agrees with him and if it is what they actually have in terms of number of seats then since they have nothing to compare it they now have a baseline that says what they have currently. He said then if there are changes in the future they will have something to refer it to.

Mr. Carabetta asked if they have the original count number. Ms. Macdonald said that she is not sure and she does have a letter from Nick Giuggio who was looking for outside seats but he said that there where 35 seats in the barn. She said if they can determine what room was called the barn that would help and she also has a proposed parking plan that was never completed. Ms. Macdonald said that main problem is the phone calls from AW Brown and their employees with regard to their cars being vandalized. The police department has gotten involved in that also. She said with regard to the number of seats that they had prior to the start of construction she can't tell because they have made changes over the years. Ms. Macdonald said that she thinks the barn was considered their banquet room and they had 35 seats in there and that was less then 10 years ago. She said according to Mr. Page the plan does not depict the actual number of seats inside and that is why she can't even tell them what a base line would be until they have an actual seating count.

Mr. Page said that he was told by the Building Inspector that he and Ben Cote from the Fire Department had gone in post construction and counted the number of seats during the fire inspection. He said that he would like to send a request that all the Board is looking for the number of seats that were physically counted for the Planning Board's record.

Mr. Carabetta said that the plan they have does not represent what is there and if there was a fire the fire department if what ever reason pulled the plan up they could go in the wrong direction. Ms. Macdonald asked if that was the plan the Building Inspector approved. Mr. Page said that was the plan he saw in the Building Inspector's office.

Mr. Kingston said that they are not under Special Permit and there is nothing there that would put them under Special Permit. Ms. Macdonald said that seating and parking could. Mr. Kingston said they don't have a prior seating plan and there is nothing the can say definitively that would put them under Special Permit therefore he is questioning why the Board would concern themselves with the interior.

Mr. Carabetta said that he will contact Ms. Thorpe and see if he can get an update.

St. Pauls Church, Dwight Road

Ms. Macdonald said that she has had phone calls regarding the church project on Dwight Road. Ryan Labonte, an abutter to the project has been very upset with regard to the paving. She said that Mr. Page took the plan and went over with Mr. Peirent and Peter Morton of 6 Athens Street who is also very concerned with the swale and bugs, mosquitos, etc. Mr. Page said that they are still working on it and it isn't seeded yet. Ms. Macdonald said that Sean Kelley had told Mr. Labonte that they weren't expanding the parking lot which was an incorrect statement. Mr. Carabetta said that was

approved originally and they are not doing anything different. Mr. Page said that he and Mr. Peirent went out to the site with the plans and the measured off the building to see the depth of the asphalt, the actual dumpster area and everything was exactly as the plan called for. Ms. Macdonald said that she did find an additional landscape plan that they filed. They still have to plant the arborvitaes all long the side and it is still in progress. Mr. Carabetta asked Ms. Macdonald to have Mr. Morton call him.

Longmeadow Landscaping, 64 Maple Street

Mr. Carabetta said that a Waiver of Site Plan Review for Mr. LeFebvre regarding 50 Maple Court was incorrect. He said that a letter was sent to him regarding the address discrepancy and because of that, the waiver was not appropriate and could not stand. He said that Mr. LeFebvre sent a letter back dated May 16, 2014 stating that a street address has no legal significance. He said that it is his opinion that the address can be changed administratively, please use 64 Maple Street rear. Mr. Carabetta said currently the address of that property is 64 Maple Street in it's entirety. Ms. Macdonald said yes.

The Board agreed to have Mr. LeFebvre fill out a new Request for Waiver of Site Plan Review with the correct address. Mr. Carabetta said that he will call Mr. LeFebvre and have him sign a new waiver request.

Miscellaneous

Mr. Carabetta signed three copies of the Site Plan for Chalmers. Mr. Page said with regard to Chalmers and the gas station they came before the Board for a Special Permit and Site Plan Review. He said that he was under the understanding that when the Board voted on it they voted on both of them together. He said for clerical purposes the Board should at least state that was what their intention was. The Board said for the record as far as clarification that their vote for the Special Permit was inclusive of the Site Plan also.

Zoning Review Committee

Ms. Macdonald said that she has invited the Zoning Review Committee to the Board's next meeting on June 3rd to talk about the sign proposal they submitted to the Board. Mr. Carabetta asked if there was one other thing they talked about. Mr. Kingston said that he sent an e-mail that day asking that they change one of the uses, Hospitals, Sanitariums Clinics which they ran into a problem with about a year ago. He said that the word clinic is inclusive of everything from the Mayo Clinic to a doctor's office and he made a suggestion that they revise that use to define it as inpatient medical facilities including hospitals, sanitariums and inpatient clinics. Mr. Kingston said that just clarifies it so that a medical business looking to come in town looks at that and says that they can't have an urgent care clinic because they called an urgent care clinic and said it's basically a doctors office. He said that he gave it some thought it's clear that the first word that being a hospital was the intent, the intent was for that use to apply as an inpatient facility.

Mr. Page asked if any time has been set up to have Smith Associates meet with them. Ms. Macdonald said that she is waiting for a date & time from them. Mr. Carabetta said that they will try next week. Ms. Macdonald said to let her know and that it will be Mr. Carabetta and Mr. Page only so

that there will be no open meeting law violation. Mr. Kingston asked what the issue is. Ms. Macdonald said that the issue is that Mr. Smith was concerned with Mr. Page not having any confidence in his plans and to get a sense of exactly what it is they are looking for on the plans. Mr. Kingston said that he thinks Mr. Carabetta should meet with him informally one on one and if that is not satisfactory and they need to schedule as a public meeting they can do in the future. Ms. Macdonald said that they have asked that Mr. Page be there also.

Mr. Carabetta thanked the members for their efforts on the warrant articles they presented at town meeting and thanked Ms. Macdonald for all of her input also.

There being no further business and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted to close the meeting at 7:45 p.m.

For the Board,

Tyde Richards, Clerk